

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:) CHAPTER 7 PROCEEDING
)
ALEKSANDRAS SMIRNOVAS) CASE NO. 22-10727
)
DEBTOR.) HON. JANET S. BAER

NOTICE OF MOTION

PLEASE TAKE NOTICE that on **Friday, March 31, 2023, at 11:00 a.m.**, I will appear before the Honorable Janet S. Baer, or any judge sitting in that judge's place, **either** in courtroom 615 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn Street, Chicago, IL 60604, or electronically as described below, and present the motion of the **Motion of the United States Trustee to Extend Time to File Objection to Discharge Under 727 and Extend Time to Dismiss, a copy** of which is attached.

All parties in interest, including the movant, may appear for the presentment of the motion either in person or electronically using Zoom for Government.

You may appear electronically by video or by telephone.

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is **160 731 2971** and the passcode is **587656**. The meeting ID and passcode can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

/s/ Spencer Ezell

Spencer Ezell, Attorney
United States Department of Justice
Office of the United States Trustee
219 South Dearborn, Room 873
Chicago, Illinois 60604
(202) 702-6338

CERTIFICATE OF SERVICE

I, Spencer Ezell, an attorney, certify that I caused to be served copies of this notice, the attached motion, and proposed order on the ECF Registrants shown below *via* the Court's Electronic Notice for Registrants and *via* First Class US Mail by BMC Group on all other entities shown at the addresses listed below. A supplement to this Certificate of Service from BMC Group will be filed.

/s/ Spencer Ezell _____

SERVICE LIST

Registrants Served Through the Court's Electronic Notice For Registrants:

- **David Freydin** david.freydin@freydinlaw.com, vincent@freydinlaw.com
- **Evan S Goldstein** egoldstein@uks.com
- **Frank J Kokoszka** trustee@k-jlaw.com, fkokoszka@ecf.axosfs.com
- **Patrick S Layng** USTPRegion11.ES.ECF@usdoj.gov

**Parties Served via First Class Mail:
(served by BMC Group)**

Aleksandras Smirnovas
6435 S Quincy St.
Willowbrook, IL 60527

American Express National Bank
c/o Becket and Lee LLP
PO Box 3001
Malvern, PA 19355-0701

BMO Harris Bank N.A., c/o AIS Portfolio Services, LLC
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541

Sumitomo Mitsui Finance and Leasing Co., Ltd.
c/o Kye Law Group, P.C.
201 Old Country Road
Suite 120
Melville, NY 11747

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MOTION OF THE UNITED STATES TRUSTEE FOR AN EXTENSION OF TIME TO OBJECT TO DISCHARGE AND TO FILE MOTION TO DISMISS

Patrick S. Layng, the United States Trustee for the Northern District of Illinois (the “U.S. Trustee”), by and through his attorney, Spencer Ezell, hereby requests the court, pursuant to 11 U.S.C. § 727(c)(1) and Fed. R. Bankr. P. 4004(b), to grant an extension of time to object to the discharge of Aleksandras Smirnovas (the “Debtor”), and to file a motion to dismiss the Debtor’s case for abuse pursuant to 11 U.S.C. § 707(b) and Fed. R. Bankr. P. 1017(e)(1). In support of this request, the U.S. Trustee respectfully states as follows:

1. This is a core proceeding concerning the administration of this estate pursuant to 28 U.S.C. § 157(b)(2)(A) which this Court may hear and determine pursuant to IOP 15(a) and Local Rule 40.3.1 of the United States District Court for the Northern District of Illinois.
2. On September 19, 2022, (“Petition Date”) the Debtor filed his voluntary petition for relief under Chapter 7 of the Bankruptcy Code and Frank J Kokoszka was appointed to be the Chapter 7 Trustee in the Debtor’s case.
3. The last date for the U.S. Trustee to object to the Debtor’s discharge or to file a motion to dismiss his case under § 707 is currently set for March 16, 2023.
4. The original Schedule E/F, filed on the Petition Date, lists \$4,818,459.06 in unsecured nonpriority debt, which the Debtor indicated was primarily business debt. According to the original Schedule A/B, also filed on the Petition Date, the Debtor lists a total of \$634,800 in property and there are no vehicles listed.

5. The Debtor's Statement of Financial Affairs ("SOFA"), question 4, reflects the Debtor had wages in 2020 and 2021 in the amounts of \$26,597.00 (or \$2,216 per month) and \$40,780.00 (or \$3,398 per month), respectively.

6. According to the original Schedule I, the Debtor is self-employed and earns \$8,000.00 in net income. Debtor has a non-filing spouse listed as self-employed. There is no income provided for the non-filing spouse. The original Schedule J, filed on the Petition Date, lists total monthly expenses in the amount of \$8,060.00, leaving the Debtor with \$-60.00 in net monthly income. In addition, there is vehicle insurance listed on Schedule J, however, no vehicles are listed in the schedules.

7. Based on the above, the U.S. Trustee requests additional time to investigate whether there may be a basis to object to the Debtor's discharge pursuant to 11 U.S.C. § 727(a) or to file a motion to dismiss the Debtor's case pursuant to 11 U.S.C. § 707(b).

WHEREFORE, the U.S. Trustee requests this Court to extend the date to object to the Debtor's discharge pursuant to 11 U.S.C. § 727(a) and for filing a motion to dismiss the Debtor's case under § 707(b) to and including April 17, 2023, and for such other relief as this Court deems just.

RESPECTFULLY SUBMITTED:

PATRICK S. LAYNG
UNITED STATES TRUSTEE

DATED: March 15, 2023

By: /s/ Spencer Ezell

Spencer Ezell, Attorney
United States Department of Justice
Office of the United States Trustee
219 South Dearborn, Room 873
Chicago, Illinois 60604
(202) 702-6338